

September 17, 2019

VIA ELECTRONIC AND FIRST CLASS MAIL

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: NH Site Evaluation Committee Docket No. 2015-02 – Antrim Wind LLC
Response to FAA Lighting -- September 11, 2019**

Dear Ms. Monroe:

The undersigned, each a party to the above referenced matter, are writing in response to Antrim Wind LLC's ("AWE") September 11, 2019 post-certificate submission pertaining to the Federal Aviation Administration ("FAA") lighting.

As you are aware, AWE's Certificate requires that all regulations specified by the FAA in its Circular 7460-1L, in Chapter 13: Marking and Lighting Wind Turbines, and Chapter 14: Aircraft Detection Lighting System ("ADLS") be followed.

While AWE acknowledges in its submission that not all lights were in operation, in fact, almost all of the towers have been unlit since early June when they stood at approximately one-half of their final height. FAA regulations require all turbines be lit with a temporary "steady-burning red light...once they reach a height of 200 feet (61 m) or greater."

Antrim resident, Shelley Nelkens, was prompted to raise her concern over lighting before the Antrim Selectboard after *months* had passed with the turbines unlit. Further, she and others confirmed prior to the meeting that no notices had been filed by AWE with the FAA indicating lighting outages.

We cannot overstate the seriousness of this oversight especially given the number of general aviation pilots who frequently fly in the area of the project.

In his September 11th letter to the SEC, Mr. Latour offers TransAlta's commitment to safety. If TransAlta believed in its own words, the lighting would have been operational and readily apparent to Antrim residents since early June. Instead, it took a complaint by a resident, months after the fact, before action was taken. Mr. Latour's partial remedy for the violation was the filing of NOTAMs (Notices to Airmen) in spite of the fact that the FAA regulations included in the Certificate specifically prohibit the use of a NOTAM in place of the temporary lighting "until the entire project has been completed."

Mr. Latour's letter assured the SEC that AWE's contractor would be on site to inspect and repair the "malfunctioning" lights on Monday, September 16th, however, as of 10:30 pm that evening, eight (8) turbines still remain without lighting and the ninth has a non-compliant fixture.

Further, the SEC also bears responsibility for failing to confirm on-going compliance with the Certificate. We are very concerned that when this issue was raised to the Administrator on September 11th, action was not immediate. On the contrary, Ms. Monroe informed us that she would not be able to confirm the lighting situation for another week.

The delays in dealing with the required Hazard Lighting of the nine 489-foot turbines as obstructions to navigation are, and have been of very serious potential and immediate risk and liability, and AWE's failure to comply is completely unacceptable and negligent. It is thus respectfully requested that the SEC take steps to enforce and appropriately penalize AWE for the failure to meet the conditions specifically outlined in the Certificate.

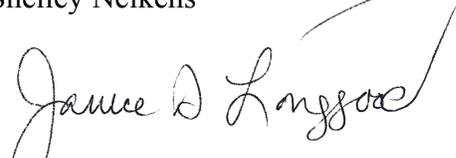
Respectfully submitted,



Richard Block



Shelley Nelkens



Janice D. Longgood



Annie Law



Robert Cleland

Cc: Michael Iacopino, Counsel for the Site Evaluation Committee
Justin C. Richardson, Counsel for the Town of Antrim
Antrim Board of Selectmen